

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:19-CV-00312-GCM**

**WEST INVESTMENT FOREIGN
SHARES, LLC,
FIDUS INVESTMENT
CORPORATION,**

Plaintiffs,

v.

**JOHN SHAW,
MCCOLLUM BUSINESS, LLC,
GROVE 1005, LLC,
DANIEL A. MCCOLLUM,**

Defendants,

v.

**DRIVETRAIN, LLC,
TIM DAILEADER,
HURON CONSULTING GROUP,
INC.,**

Third-Party Defendants.

ORDER

THIS MATTER is before the Court upon Defendant Daniel A. McCollum's Motion to Seal and Incorporated Memorandum in Support [ECF Doc. 85].

When a party makes a request to seal judicial records, the Court must (1) give the public notice and a reasonable opportunity to challenge the request to seal; (2) "consider less drastic alternatives to sealing;" and (3) if it decides to seal, make specific findings and state the reasons for its decision to seal rather than choosing other alternatives. *Virginia Dep't of State Police v. Washington Post*, 386 F.3d 567, 576 (4th Cir. 2004). In accordance with the law of this Circuit as

well as the Local Rules, the Court has considered the Motion to Seal, the public's interest in access to such materials, and alternatives to sealing. The public has been provided with adequate notice and an opportunity to object to the Defendant McCollum's motion. Defendant McCollum filed his motion on December 2, 2020 and it has been accessible to the public through the Court's electronic case filing system since that time. The Court determines that no less restrictive means other than sealing is sufficient because a public filing of such materials would potentially endanger Defendant McCollum's Fifth Amendment rights, his interest in adequately defending his civil case, and the interest of the government in its ongoing criminal investigation. The Court concludes that the sealing of these documents is narrowly tailored to serve the interest of protecting information related to the ongoing criminal investigation.

IT IS THEREFORE ORDERED that Defendant Daniel A. McCollum's Motion to Seal and Incorporated Memorandum in Support [ECF Doc. 85] is hereby **GRANTED**, and the Motion to Stay Pending Resolution of Criminal Investigation and Incorporated Memorandum in Support of his Motion to Stay, as well as any responses, replies, or other documents related to the same shall be filed under seal until further order of this Court.

SO ORDERED.

Signed: December 8, 2020

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

